PART 3: THE RESPONSIVENESS SUMMARY

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

MITT ROMNEY
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KERRY HEALEY
Lieutenant Governor

ELLEN ROY HERZFELDER
Secretary

ROBERT W. GOLLEDGE, Jr.
Commissioner

July 16, 2004

Mr. Don McElroy
US EPA, HBO
One Congress St., Suite 1100
Boston, MA 02114-2023

RE: Proposed Plan. Iron Horse Park OU #3.

Dear Mr. McElroy:

The Department has reviewed the June 2004 Proposed Plan (the Plan) for Remedial Action at the Third Operable Unit (OU #3) for the Iron Horse Park Superfund site in Billerica and is submitting the following formal comments.

1) As the Preliminary Remediation goals (cleanup goals) for soils were not included in this Plan, DEP expects an opportunity to review and comment on them before the Record of Decision (ROD) is made final.

2) As stated on page 7 of the Plan, the proposal "presents cleanup approaches for soil contamination only." The proposed remedy does not take measures to actively cleanup groundwater as models predicted it would take a very long time (greater than 200 years) to achieve cleanup goals for groundwater, even with source control measures. EPA states that groundwater monitoring will be conducted and trends in contaminant concentrations evaluated. If the groundwater is being monitored to determine whether it is technically impracticable to achieve specific cleanup goals for groundwater, EPA should be conducting this monitoring as a Remedial Investigation activity, not as part of the remedy for this Operable Unit. EPA will then, at a later time, issue a decision document for groundwater.

3) The Plan does not discuss the evaluation of the VOCs found in groundwater monitoring wells adjacent to the asbestos landfill. DEP was previously informed that the source of VOCs would be investigated during the design process for the Remedial Action. No mention has been made of this in the Plan. The Department is concerned that the VOCs be investigated either during the design process or during the investigation for OU #4.

4) All of the preferred alternatives will require Institutional Controls to maintain the effectiveness of the remedy and prevent future exposure to contaminants that will remain in place at the Site.

Proposed Plan Source Control Cleanup Options

5) Pending review of public comments, the DEP is in general agreement with the following preferred alternatives.

B&M Railroad Landfill
The DEP agrees with the preferred alternative for the landfill, which includes capping the landfill (SC-1).

RSI Landfill
The DEP agrees with the preferred alternative for the landfill, which includes capping the landfill (SC-1).

Contaminated Soils Area
The DEP agrees with the preferred alternative of capping in place (SC-1).

Asbestos Landfill
The DEP agrees with the preferred alternative of capping in place (SC-1).

Asbestos Lagoons
The DEP agrees with the preferred alternative of excavation of waste and capping elsewhere on-site (SC-2). The FS stated that the Asbestos Lagoons would be excavated to a depth of 1 foot. Since soil was not sampled within the lagoons, it is possible that greater depths may need to be excavated to remove the contamination.

Old B&M Oil/Sludge Recycling Area
The DEP agrees with the preferred alternative of capping in place (SC-1) as long as the cap constitutes an engineered barrier as described under the Massachusetts Contingency Plan. During historical investigations of this area, LNAPL has periodically been found. Although cleanup goals have not been established for this OU yet, DEP considers NAPL thickness in excess of ½ inch to constitute an exceedance of the Upper Concentration Limit (UCL). An engineered barrier would be required if the NAPL were left in place without being fixated (immobilized) and if it were less than 15 feet below the ground surface. DEP UCLs have been incorporated as cleanup goals at Superfund sites in Massachusetts and we would expect them to be incorporated into the ROD for this OU.

6) **B&M Locomotive Shop Disposal Areas**
The RI described samples taken up to 12 feet deep with one isolated location containing elevated levels of PCBs. The Feasibility Study discussed excavating the two areas 20 feet deep. It does not seem likely that the entire 5 acres (both areas combined) needs to be excavated to 20 feet. Perhaps just the "hot spot" where PCBs were detected needs to be excavated. The volume should be recalculated. It may be that excavation and capping elsewhere on-site will be a better remedial action than capping in place.

The DEP would prefer that the two areas be excavated (SC-2) rather than capped (SC-1). From discussions held during the preparation of the Feasibility Study (FS), it appeared that excavating these areas was more appropriate due to the engineering difficulties with capping being so close to the man-made canal and/or wetlands. The preferred alternative calls for capping in place. Due to engineering issues, DEP believes that the Locomotive Shop Disposal Areas should be excavated and placed under one of the on-site caps (RSI Landfill) rather than being capped in place.

DEP appreciates the opportunity to submit formal comments on the Proposed Plan for Operable Unit #3 of the Iron Horse Park Superfund Site. We look forward to your response to our comments.

Sincerely,

Janet S. Waldron
DEP Project Manager

e-file: 4.09 Proposed Plans for Selected RA/Proposed Plan Formal Comments

Site:
Break: 4.4
Other:

JM
Johns Manville

A Berkshire Hathaway Company

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Don McElroy
Remedial Project Manager
U.S. Environmental Protection Agency
Region 1 (HRO)
1 Congress Street
Suite 1100
Boston, Massachusetts 02114

Re: ***Proposed Plan for Iron Horse Park Superfund Site; Asbestos Lagoons***

Dear Mr. McElroy:

The purpose of this letter is to provide comments on the Proposed Plan for the Asbestos Lagoons area of concern at the Iron Horse Park Superfund Site.

Specifically, it would seem that the cost estimated for the on-site capping option is significantly too high. Based on Johns Manville's prior experience, effective asbestos settling basin caps cost in the range of $30,000 to $50,000 per foot of thickness per acre. If the asbestos lagoons are approximately three acres and a three-foot thick engineered cap is necessary, the total cost of on-site cap should not exceed $450,000 (3*3*$50,000). Construction and agency oversight along with safety and other costs could increase this by $100,000 for a total of $550,000 but certainly not the $2,900,000 referenced in the proposed plan.

Given that the remedial action objective here is prevention of exposure to lagoon-related asbestos and because asbestos, unlike dissolved substances, does not migrate in groundwater, the better alternative would be to install an effective cap on the lagoons.

If you have any questions concerning this matter, please do not hesitate to call me.

Sincerely,

Bruce D. Ray
Associate General Counsel

WILMER CUTLER PICKERING
HALE AND DORR LLP

Robert F. Fitzpatrick Jr.

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Via Email and First Class Mail

August 13, 2004

Donald McElroy
Remedial Project Manager
U.S. Environmental Protection Agency
Region I, (HBO)
1 Congress Street, Suite 1100
Boston, MA 02114

Re: Comments on EPA's Proposed Plan For Lagoons At Operable Unit 3 of the Ironhorse Park Superfund Site

Dear Mr. McElroy:

This letter and the enclosed letter from BNZ's consultant, ESS Group, Inc., are the comments of BNZ Materials, Inc. ("BNZ") on EPA's proposed plan for the lagoons in Operable Unit 3 of the Iron Horse Park Superfund Site (so-called "Area of Concern 7").

EPA has proposed excavating the lagoons and transporting the excavated material to the B&M landfill for disposal under an expanded cap. The lagoons are located on BNZ's property on High Street. BNZ acquired this Property from Johns Manville in 1987. BNZ has never used or manufactured products containing asbestos. Johns Manville, not BNZ, used the lagoons for the disposal of asbestos slurry.

EPA should reconsider its proposed lagoon remedy. For the reasons described in ESS' letter, managing the lagoons in place rather than excavating and transporting the excavated material to the B&M landfill will produce a faster, less expensive and more protective remedy during construction.

BNZ is a small company with limited resources. Reducing the cost and logistical complexity of the lagoon remedy consistent with ESS's comments will yield a remedy that can be more readily implemented.

Nothing in this letter or ESS' letter is or should be construed as an acknowledgement or admission of any fact or liability. BNZ reserves all rights and defenses.

Please let me know if you would like to discuss BNZ's comments.

Very truly yours,

Robert F. Fitzpatrick Jr.

RFFjr:cmd
Enclosure

cc: Mr. Josh Hulce
Peter E. Nangeroni, P.E., LSP

ESS Group, Inc.

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August 13, 2004

Mr. Don McElroy
Remedial Project Manager
U.S. Environmental Protection Agency
Region I (HBO)
1 Congress Street, Suite 1100
Boston, Massachusetts 02114-2023

Re: Formal Comments on Proposed Plan – Operable Unit 3, Iron Horse Park Superfund Site, North Billerica, MA
ESS Project No. B348-000

Dear Don,

ESS Group, Inc., (ESS) is providing these Formal Comments on the Proposed Plan for Operable Unit 3 at the Iron Horse Park Superfund Site on behalf of our client, BNZ Materials, Inc. Our comments are focused on the lagoons (Area of Concern 7) since our client has had no involvement in any other portion of the Iron Horse Park Superfund Site.

With respect to the lagoons, the proposed remedy (SC-2) calls for the excavation of approximately 15,200 cubic yards of what EPA presumes to be asbestos containing soil, with an assumed average depth of asbestos containing soil in the lagoons of 5 feet. The excavated soil would then be trucked to the B & M Landfill (Area of Concern 1) and placed under the cap of the B & M Landfill. The lagoon excavations would then be backfilled with 1 foot of clean soil followed by 6 inches of topsoil and seeding. The cost estimate includes provisions for dust control, dewatering and a modest allowance (approximately $2.13 per cubic yard of soil) for "Cap Expansion" to address incremental costs of capping the B & M Landfill.

An alternative remedy considered by EPA for the lagoons (that provides the same level of protection as remedy SC-2) is capping the lagoons in place (SC-1) combined with land use restrictions and monitoring. EPA apparently eliminated this option since its cost of $2.90 million was approximately $1 million higher than remedy SC-2. The cost estimate for the lagoon capping remedy was based on the use of single barrier cap with an overall thickness of 30 inches and included a 60 mil Low Density Polyethylene Geomembrane and the requisite Drainage Composite layer. The estimate also assumed that the cap would extend over the current footprint of the 3 lagoons and that approximately 21,000 cubic yards of granular fill would be required to provide an adequate slope (5%) on the lagoon cap.

GENERAL COMMENTS:

The selection of remedy SC-2 for the lagoons requires that the lagoon work be coordinated with and integrated into the B & M Landfill capping, which in turn will likely be coordinated with the work at the remaining Areas of Concern (AOCs). This approach will be much slower than in-place closure of the lagoons, which can be accomplished independent of the planning or implementation of work at the other AOCs. EPA's proposed approach also significantly hinders BNZ's ability to plan for and implement a program geared towards the beneficial re-use of the lagoon area since BNZ will have no control over the project.

The Plan should provide for an in-place capping approach for the lagoons that is planned and implemented separately from the work at the other AOCs in OU-3. The in-place capping approach would protect human health and the environment and would be consistent with ARARs, including MADEP's Draft Asbestos in Soil Streamlining Regulations and Management, Policy and Technical Support Document (February 2, 2004)(Draft MADEP Policy). This approach will allow BNZ to plan for and implement a cost-effective beneficial reuse plan for the lagoon area that is consistent with the goals of EPA and MADEP. BNZ is currently evaluating redeveloping the lagoon area for recreational vehicle and boat storage. Of the viable options identified by the EPA (SC-1 and SC-2), in place capping approach (SC-1) would be most protective to site workers and local residents during construction due to the more limited asbestos handling.

Capping the lagoons in place would be less expensive than excavating and transporting material from the lagoons to the B & M Landfill. The primary reason for the high cost of the lagoon capping option under the EPA's analysis is the cost associated with providing 21,385 cubic yards of clean fill required for slope/grading purposes. This material represents about $400,000 of EPA's $1.1 million base estimate. A more cost effective approach would be to consolidate the lagoons prior to capping, thereby reducing the cost for imported fill material. The components of the low permeability barrier represent another $236,000 of EPA's base estimate. ESS does not agree that a low permeability barrier is required for the lagoons.

In addition, the types of property reuse currently being evaluated would further reduce capping costs by $85,000 or more. This would be accomplished by incorporating pavement into the cap thereby eliminating the need for the hydroseed, topsoil, and a part, if not the entire proposed 24-inch thick cover soil layer. This would lead to additional costs savings of $85,000 to $230,000. This estimate is based upon a planning price provided by a local contractor to place 3-inches of asphalt over 8 to 12 inches of bedding at the site. In summary, the cost estimate for SC-1 is believed to over state the costs required to cap the lagoons in a manner that is protective of human health and the environment and by incorporating reuse options into the in place closure option, additional costs savings can be achieved.

SPECIFIC COMMENTS:

1. Operable Unit 3 attempts to simultaneously address seven unique AOCs that are quite distinct and clearly represent separate potential source areas. In fact, EPA in its September 24, 2003 Five Year Review Report states in section II that "...each potential source area in OU3 is unique...". Property owners should be allowed to address AOCs that are self contained on their property on an individual basis. This approach would lead to more efficient and timely implementation of the remedies, while providing property owners more opportunity to consider and implement beneficial re-use of their property. For a property owner to develop and implement a re-use plan, they need the highest level of certainty and control over remediation costs and schedule. Under the remedy proposed by the EPA, BNZ would have to coordinate their re-use efforts with remediation of the B & M Landfill. The B & M Landfill has a number of technical and regulatory challenges (e.g. removing waste from wetlands) that add significant uncertainty to costs and schedule. These uncertainties would be eliminated if the lagoons were managed on the BNZ property, thereby enhancing the ability to effectively re-use the BNZ property.

2. The selection of remedy SC-2 over SC-1 was apparently made based primarily on cost since both approaches provide similar levels of protection to human health and the environment. Given the uncertainty in the cost estimates and the desire of BNZ to more

directly control work on their property, the Plan should provide for implementation of an approach similar to option SC-1, because it is as protective to human health and the environment, as compliant with ARARs as predicted by the EPA's Feasibility Study and otherwise more beneficial than option SC-2 based upon cost-effectiveness and ability to support property reuse.

3. The Proposed Plan states on page 4 that there are "risks from asbestos at two of the areas". The data and analysis presented in the Remedial Investigation (RI) do not support this statement with respect to asbestos containing soils that may be present in the lagoons. There has been no quantitative risk assessment performed to confirm that the asbestos containing soils present in the lagoons present a current or future risk to human health or the environment.

4. The Proposed Plan recommends excavating the contents of the lagoons and trucking the contents to the B & M Landfill for disposal under the cap of the B & M Landfill (option SC-2). The Feasibility Study (FS) and Proposed Plan do not take into consideration the potential short term risk associated with the excavation, handling, trucking and re-deposition of asbestos containing soils. In many instances leaving unconsolidated asbestos fiber containing soils or materials in place and minimizing the handling of the materials presents less risk than the potential risk posed by generating airborne asbestos during excavation, trucking and re-deposition of asbestos containing soils. The Draft MADEP Policy acknowledges that leaving asbestos containing materials in place will avoid asbestos releases and potential exposures, if re-use plans for the property allow the material to remain in place.

5. The Proposed Plan includes a low permeability cap in the alternative that was considered for the in-place capping of the lagoons (option SC-1). The data presented by EPA in the RI does not indicate that a low permeability cap is required for the lagoons since a) asbestos is known to be insoluble and therefore would not require a low permeability cap as exemplified by the cap design used for the Asbestos Landfill, b) there is no current risk posed by the groundwater in the vicinity of the lagoons, and c) even if there is a potential future risk associated with the groundwater, there is no identified correlation between the contents of the lagoon and the metals detected in groundwater in the vicinity of the lagoons which drive the risk assessment.

6. The evaluation of the on-site capping option should have considered consolidation of the lagoons to reduce overall capping requirements and costs. For example, if the 5% slope assumed by EPA for option SC-1 is required for the cap, the contents of one lagoon could be used as fill material on the adjacent lagoon rather than importing fill for use in grading. This approach would reduce costs by reducing the amount of imported fill required and by creating a smaller cap footprint, thereby reducing capping and long term maintenance costs. Lagoon consolidation and in-place capping should be included as a viable option for the lagoons in the Plan.

7. Consideration should be given to an in-place capping approach for the lagoons that includes the beneficial re-use of the lagoon area such that the capping could be incorporated into the future site use, thereby potentially reducing capping costs and generating revenue for the long term maintenance of the cap. The use of an asphalt cap or construction of a building over the lagoons, for example, which are both included as presumptive remedies in the Draft MADEP Policy, would provide a multi-purpose benefit for the lagoon closure and re-use of the lagoon area.

8. In consideration of comment number 4 above, it is not apparent in the cost estimate backup in the FS for the recommended option SC-2 that sufficient allowances are provided for dust control and monitoring during the excavation, loading, transport, and placement of the lagoon materials.

9. The "cap expansion" allowance of $32,500 in the recommended remedy (SC-2) for the lagoons does not accurately reflect the true cost of incorporating the excavated solids into the B & M Landfill based upon our experience. There is also uncertainty associated with the vertical extent of materials that would be removed from the lagoons and the type of post-excavation surface restoration and land use controls that will be required. The fact that remediation goals for unconsolidated asbestos fibers are not established in the Feasibility Study further increases the uncertainty associated with excavating this material. This may lead to significantly higher restoration costs than included in the cost estimate. Therefore, it is likely that the actual costs would be greater to manage the lagoons materials at the B&M Landfill than to manage the material in place.

10. The placement of the excavated lagoon material under the B&M Landfill cap in the recommended remedy (SC-2) will increase the impacts to wetlands and the floodplain in the vicinity of the B&M Landfill by increasing the volume of material to be placed in the landfill. The in-place capping of the lagoons (remedy SC-1) will have no impact on wetlands or floodplains.

11. A number of action specific asbestos management related ARARs are identified for the work associated with implementing the recommended remedy (SC-2) at the lagoons. By transporting the asbestos containing soil to the B&M Landfill many of these ARARs would also apply at the B&M Landfill AOC. The FS does not identify asbestos related ARARs for the B&M Landfill AOC and the asbestos is not identified as a contaminant of concern. It appears this has caused an under-estimation of the level of effort and costs for disposing the excavated lagoon material at the B&M Landfill.

Thank you for your consideration of these comments. If you should have any questions please contact Peter Nangeroni at 781-489-1106.

Sincerely,

ESS GROUP, INC.

Peter E. Nangeroni, P.E., LSP
Senior Vice President

Michael S. Gitten, P.E., LSP
Vice President

C: Robert F. Fitzpatrick, Jr., Esq.

UNITED STATES OF AMERICA

ENVIRONMENTAL PROTECTION AGENCY

BOSTON REGION

In the Matter of:

PUBLIC HEARING:

RE: PROPOSED CLEAN-UP PLAN FOR OPERABLE UNIT 3 AT THE IRON HORSE PARK SUPERFUND SITE

Billerica Town Hall
Room 210
365 Boston Road,
Billerica, Massachusetts

Wednesday
June 16, 2004

The above entitled matter came on for hearing, pursuant to Notice at 8:15 p.m.

BEFORE:

ROBERT CIANCIARULO, Chief
Massachusetts Superfund Section
DON MCELROY, Remedial Project Manager
STACEY GREENDLINGER
EPA, Region 1
1 Congress St., Suite 1100
Boston, MA 02114-2023

I N D E X

PROCEEDINGS

MR. CIANCIARULO: Good evening. I'm Bob Cianciarulo. I am Chief of the Massachusetts Superfund Section at EPA, and I'll be the Hearing Officer for tonight's hearing on the proposed clean-up plan for what's called Operable Unit 3 at the Iron Horse Park Superfund site.

As Stacey and Don mentioned, the purpose of this hearing is really to get your comments formally on the record so your voice can be heard on this clean-up proposal. As Don outlined earlier in the meeting, community acceptance is one of the nine criteria we use set forth by the Superfund law. We use those to select a clean-up plan. It's a critical part of our decision-making process.

Again, as noted earlier, and in the proposed plan at the back of the room, the public comment period officially begins today, and it's scheduled to run 30 days, to July 16th. You've heard this, and this will be the fifth time you've heard this, as far as how you can make a comment. There's no obligation to sort of make an oral comment here. This is really, hopefully, a matter of convenience to the extent that you don't want to otherwise submit written comments either by mail, by fax or by email all to Don's attention. And those addresses and phone numbers are in the proposed plan. So you can comment orally

today and in writing, or in writing, your choice.

We'll be transcribing the meeting, as we discussed, and we'll produce a printed transcript which will make part of the record. That will go in the library with the other materials we discussed earlier. And we'll also then be responding to comments that we receive on the proposed plan in what's called a responsiveness summary that we'll publish in conjunction with our Record of Decision.

The hearing process is rigid, and I hope it's not too frustrating. We will be accepting your comments. It won't be a dialogue. We won't be responding to them verbally. So don't take it out on me if you ask a bunch of questions and I say thank you. Because really, again, this process is get your comments formally on the record.

I'd ask when you do come up and make a comment, you state your name, address, and affiliation, if any, also for the record. I'm going to try to limit people to five minutes each, just to make sure that everybody who wants to make a formal statement does so.

And again, we'll make ourselves available at the close of the meeting to the extent there is additional questions and answers, more informal dialogue you'd like to have.

So to the extent that people have signed up at the back or, you know, we can sort of, in an orderly fashion,

figure out who wants to make -- who wants to be first. And it may not be necessarily again if you're just stating your name and address. It's a small enough crowd. Just as long as someone's willing to break the ice.

MS. GREENDLINGER: Do you want to go first? You can feel free to go first.

MR. CIANCIARULO: Okay, I need you to just stand up there.

MR. JOHNSON: Okay. Do I hit you?

MR. CIANCIARULO: Not yet.

MR. JOHNSON: Not yet, okay. I talked to you earlier, Don, about the proposed clean-up and how to determine the effectiveness of the clean-up, and also, to assess what is going to be done of the plan. To do that, I would like to have on-line access to all of the ground water, surface water, sediment and air monitoring results that are taken at this site. And I'd also like to have it for -- instituted for all of the other sites that are included in this overall Iron Horse Superfund Park. That's my comment, and I feel that the plan needs to include making that information available on line, both now, and as part of the ongoing maintenance.

Oh, my name is David Johnson, and it's 113 Gray Street, Billerica. And soon to be, I'm affiliated with the Earth Watch Coalition. Thank you.

MR. CIANCIARULO: Okay, thank you. All yours. You can stand on either side.

MS. GIOVINO: Dangerous to give me a mike -- No, I'm kidding.

MR. CIANCIARULO: Again, if you could, name and address.

MS. GIOVINO: Yes.

MR. CIANCIARULO: And maybe you want to stand facing everyone else.

MS. GIOVINO: All right, Joanne Giovino, 10 Eastview Ave., Billerica; President of the Earth Watch Coalition, which is the organization that has been the liaison with the EPA over these last 22 years. We were formerly known as the Superfund Action Committee, which we will soon be going back to the Superfund Action Committee. And we have received technical assistance grant money. And Dave Johnson is a member. Barbara Morrissey and Helen Knight are the core members. And these are the people that, for the rest of you who are here, we are the people for 22 years that have been working to see that this is taken care of properly.

My comment is, in looking at the matrix for the proposed options, I would like to see, on the mobility and toxicity and volume -- but primarily on the mobility -- I would like all the areas that are to be capped to have the

EPA determine the depth to the high seasonal water elevations, and develop a matrix indicating the contaminants and the mobility rate, and then the cost so that EPA could make a determination whether, in some instances, if there's a high mobility rate of particularly onerous contaminants, that it may be very well worth it to then examine options or methods of installing a non-porous liner in the bottom and the sides.

MR. CIANCIARULO: Okay, thank you. Others?

MS. MORRISSEY: My name is Barbara Morrissey. I live at 10 Sumac Street. I'm also a member of Earth Watch Coalition. And I just want to basically say ditto to what Joanne said. Many of the problems with the Superfund site that we have in town is that it is in a wetland area. And because of that, even if something may not be mobile during a dry or a drought-type season, whenever there is any heavy rain, those areas flood dramatically. I live near there. I see the flooding.

So there is going to be a sponge effect. There will be mobility. There is no way, when the water does go up into the mounds of these landfills that are going to be created, that it will not be giving the contaminants the ability to move, and possibly to go to another area in town. And I do want to see every effort made to contain this by putting some type of a liner in there. Thank you very much.

MR. CIANCIARULO: Okay, others? You can be next. No? Has everyone made a comment for the -- Oh, would you like to? Sure.

MR. RAMOS: My name is Al Ramos. I live at 39 Mt. Pleasant Street, and I have no affiliation. I just live in the neighborhood. And my only comment is I'd like somebody to somehow do like a definitive study on the cancer rate because I've only lived here ten years. But talking to long-term neighbors, they said there is clusters, apparently, of cancer in the area. And that's extremely important. And two neighbors within about five houses of me, both in their 40s and 50s, one has succumbed, and the other one is not doing very well at all. And the one that's not doing very well at all, he basically never smoked, never drank, and he has throat cancer. And he's lived there about 25 years. So this brings that into question. And I've got three little children. So that's one of the biggest concerns that I have.

And, yeah, just basically, if somebody could conduct a definitive study. And I know there's a lot of analysis and stuff. But maybe it'll speak for itself if the data, if it's real obvious, you know, so better decisions can be made on the priority of the fund. Thank you.

MR. CIANCIARULO: Thank you.

MS. LIEBERMAN: My name is Judy Lieberman, and I

live at 201 High Street. And I'm getting up basically because of what you just said about people coming down with cancer. I own horses. And back in 2001 -- and I take very good care of my horses. Actually, I take better care of them than I do myself. And I experienced some very strange happenings in my stable with my animals.

I went out one evening. It was in December of 2000. And my horses were bleeding around the coronary bands. It's where the hoof and the ankle meet. My horses, you know, they didn't have thrush, or they didn't have any other, you know, ailments, any, you know, horse-related diseases or anything like that. They were just bleeding around the coronary bands. And also their argots. It's another little piece of skin up above their knee. And all of my horses had the same symptoms. I've never seen anything like it. I've had horses for over 30 years.

I called my veterinarian. And he said, you know, obviously, they either ingested some kind of a toxin -- whether it was from the soil, the feed or, you know, something aerial. I did call the EPA, and eventually, I had them come out. At first, they were a little reluctant to come out. And then I said that I would call Christine Todd Whitman, and they came out within two weeks, and we started to do a study.

I also consulted with some veterinarians that are

hired by the United States government because I'm a member of the United States Equestrian Team. And I got some very good advice from them. And they said it was definitely some form of a poisoning or something.

When the EPA came out, they did some testing. They did everything but water samples in my yard, which I did request them to do. The only thing that they did was inside the barn, they tested my shavings. We did some feed testing. Everything, you know, came back within, you know, a normal range. I do have the results here. Some of the results did come back inconclusive. And I haven't been able to complete my study with the EPA yet on all of the findings. I'm still working on it.

But something happened in 2001. It is on the Internet. If you, you know, just type in Judy Lieberman, North Billerica, the Republican Committee, which I'm on, you'll find that I did do this study. And again, the results are inconclusive. I'm still working on it.

I also have a suspicion about the biological pellets that they've been dropping for the West Nile Virus. I've been working with some agents from the EPA. Dan Granz is one of them, and Amy Jane Lussier, who is with Region 1 in Boston, and a couple of other United States federal agents from Washington, D.C.

I don't have all of the results back from the

study. But I just wanted to let the residents know that I am working on this. I don't know what happened. I don't know if there's any connection to Iron Horse Park, or if there is actually something else that's going on in the environment in North Billerica. But obviously, there is something going on. And just for the record, I wanted to let you know. If you have any -- I'm a little bit nervous right now. I apologize. I'm not really a good public speaker. But I have a lot of information, and I have a got of good resources. And I'm in contact with chemists and biologists and veterinarians from all over the country. And I can guarantee you that I will get to the bottom of this, and I'll find out what happened.

As a matter of fact, I wanted to mention for the record, my problems escalated right before the terrorist attack in September. My horses were bleeding extensively around the coronary bands, and I just went into a frenzy, a complete panic. And I thought, even before I heard about, you know, the terrorist and, you know, what they were -- I had no idea what was going on, but I knew something was going on. And the EPA was made aware of this well in advance. And that has been documented, and I have everything on record. So residents, you're more than welcome to contact me and look at anything that I have. And that's all I have to say for right now. Thank you.

MR. CIANCIARULO: Anyone else who would like to make a comment for the record tonight? Hearing none -- Again, if there's no one else who wishes to make a statement, I'm going to close the hearing. Again, the public comment period begins today, a 30-day comment period. Please make sure you have a copy of that proposed plan, and you can respond in writing, U.S. Mail, fax or email to Don McElroy, and Don's phone number is there, as well. So thank you. Thank you for attending. Again, thank you for your participation here today, and your interest in this site, and your assistance in helping us make a final decision on this clean-up plan. Thank you.

(Whereupon, the proceedings were concluded.)

CERTIFICATE OF REPORTER AND TRANSCRIBER

This is to certify that the attached proceedings in the Matter of:

RE: PROPOSED CLEAN-UP PLAN FOR OPERABLE UNIT 3 AT THE IRON HORSE PARK SUPERFUND SITE

Place: Billerica, Massachusetts

Date: June 16, 2004

were held as herein appears, and that this is the true, accurate and complete transcript prepared from the notes and/or recordings taken of the above entitled proceeding.

Suzanne French Reporter	June 16, 2004 Date
Patricia Nelligan Transcriber	July 8, 2004 Date

Robert Stanton
<rbtstanton@msn.com>
08/05/2004 12:04 PM

To: Don Mcelroy/R1/USEPA/US@EPA
cc:
Subject: Iron Horse Park Clean up Plan

Site/Ken Moe
Break: 4
Other:

Dear Mr. McElroy,

I received a copy of the proposed clean up plan for Iron Horse Park. Unfortunately I was unable to attend your meeting back in June. I think it's great that there is a concerted effort to "clean" this site up. However, I do have some comments I would like to share...

First, I am concerned about the recent expansions of existing companies currently in the Iron Horse Park site such as McQuesten Lumber Co. They recently expanded in the former Penn Culvert property. This expansion includes a large storage shed/building and paved parking throughout this site which appears to be located on top of the Old B&M Oil/Sludge Recycling Area. Associated with this expansion is an increase of tractor trailor activity. How does this coincide with clean up efforts or is paving over certain areas and letting companies expand the answer?

A recent trip through the "Park", I noticed many abandoned MBTA buses stored next to the large B&M building. Why are they now parking such vehicles there and what impact (oil, antifreeze, transmission fluid) will this have on clean up efforts?

Second, as a resident of the area, how can I be assured that the current companies are not contributing to the problem at hand. A lot of vehicles both active and inactive, exposed wood products, general waste and by products of other companies currently operating there. Is the EPA monitoring these companies? Seems to me that a superfund site should reduce such activities not increase.

Sincerely,

Robert J. Stanton
7 Whitegate Rd.
Billerica, Ma. 01862
Email: rbtstanton@msn.com
Phone: (978) 663-5160

7 Oxford Road
North Billerica, MA 01862

June 17, 2004

Mr. Don McElroy
Remedial Project Manager
U.S. Environmental Protection Agency
Region I, (HBO)
1 Congress Street, Suite 1100
Boston, MA 02114

RE: Iron Horse Park
Superfund Site

Dear Mr. McElroy:

I read your brochure about the proposed cleanup of Iron Horse Park, Superfund Site, in North Billerica, with great interest. My home is within a close proximity to Iron Horse Park. The Middlesex Canal is right behind my house. The water in the Canal does not flow as it should due to a dam in Iron Horse Park. My questions are as follows:

1. After the cleanup, will the Canal water be allowed to flow through Iron Horse Park as it should?

2. Will the "Superfund Site" name be removed?

3. Will the neighbors still have to disclose that the homes are located near the "Superfund Site" when selling their homes?

4. Should people in the area be concerned about planting vegetable gardens? Is the ground water in the area contaminated?

Thank you for your attention to the problems at Iron Horse Park. I do hope to hear from you on the above issues.

Thank you.

Jeanne LeGallo

Responsiveness Summary - Comments

PRP Comments

1) The preferred alternative for the Asbestos Lagoons (excavation and placement of material under the cap at another AOC) is more complicated and will take longer to implement than capping in-place. The preferred alternative hinders the owners ability to plan for and implement beneficial re-use of the lagoon area. The property owner should be allowed to address this self-contained AOC. This would be more efficient and would allow the owner more opportunity to consider and implement plans for beneficial re-use of their property. Of the alternatives proposed, EPA should choose SC-1. It would provide more short-term protectiveness to workers and residents due to less handling and transport of asbestos containing material.

EPA agrees that excavation of material for placement at another AOC may add additional complication and potentially higher short-term risk to workers and residents. In part because of comments received during the public comment period, EPA is selecting SC-1, capping in place. Additional explanation is provided in Section N. of the ROD. EPA is of the opinion that beneficial reuse of the lagoon area would be easier if asbestos containing material was no longer present in the lagoon area. However, the lagoons are all on one property, the two alternatives in question (SC-1 - capping in-place and SC-2 - excavation for placement at another AOC) are both considered protective of human health and the environment and the cost estimates for the alternatives do not differ greatly. Therefore it is reasonable to attempt to accommodate the preference of the property owner and allow the material to be capped in place.

2) For the Asbestos Lagoons AOC, EPA has overestimated the cost of capping in-place, and underestimated the cost of excavation for placement at another AOC. There are more cost-effective means for capping in-place. Capping in-place would be less expensive than the excavation option.

While EPA does not agree with the commentor's assessment with regard to cost, we have chosen Alternative SC-1, capping in place. Specific issues related to design, construction and cost, can be resolved during the remedial design process.

3) A low permeability layer is not warranted at the Asbestos Lagoons, because; there is no risk associated with groundwater, and there is no correlation between contaminants in the lagoons and associated impacted groundwater.

EPA does not agree with the comment. While this ROD does not address groundwater remedies, it does address source control issues. As documented in the RI, a risk assessment was conducted for groundwater. There is groundwater risk associated with the Asbestos Lagoons area. In addition, there are a number of contaminants, including: xylenes, arsenic, manganese, barium lead, chromium and zinc, which are present in both the lagoon sediment as well as in groundwater associated with the Asbestos Lagoons AOC. These contaminant results are also

documented in the RI.

4) No quantitative risk assessment was performed to support the statement that asbestos in the lagoons presents a current or future risk to human health or the environment.

Risk from exposure to asbestos can be quantified when the concentration of asbestos fiber in air is known. The amount of asbestos in soil that may become airborne can vary depending on activities occurring at a site under current or future land use. Methods for quantifying these amounts are under development. Because of the difficulties in quantifying the amount of asbestos fiber that may become airborne, EPA has relied on its definition of asbestos-containing material in determining whether potential risk exists in past decisions. EPA's National Emissions Standards for Hazardous Air Pollutants defined material with 1% or greater asbestos as asbestos-containing material. Recent information indicates that the 1% threshold definition may not be conservative enough in assessing human health risks.

Since methods for quantifying risks associated with asbestos fibers in soil that may become airborne are still under development, EPA has conservatively assumed that asbestos material that has been identified as still present in the lagoons may potentially pose a risk.

5) The preferred alternative (for the Asbestos Lagoons) will increase impacts on wetlands and the floodplain by increasing the volume within the B&M Landfill.

EPA has selected the alternative SC-1, capping in-place, for the Asbestos Lagoons, therefore there will be no increase in volume of the B & M Landfill from Asbestos Lagoon material.

Comments from the public

1) Concern was expressed regarding the perceived expansion of companies and activities within Iron Horse Park. (the Cooperative Reserve property - formerly Penn Culvert was specifically referenced). How does this expansion coincide with cleanup efforts.

A historic Superfund problem has been that properties associated with superfund sites, have often been left unused or under-used even when this was not warranted due to contamination on the property. One of the goals of the Superfund program is land/property re-use. In other words, taking cleanup actions necessary to allow for some desired future use, whether restricted or unrestricted. An unrestricted use is typically a property which has achieved a level of cleanup such that it would be appropriate for residential use. Under commercial or industrial uses (where perhaps a worker is present on site for a limited number of days a year and no children or other sensitive populations are present) some levels of residual contamination may still be considered protective, while those same levels of contamination would not be considered protective in a

residential setting (where children, for example may play on the ground and use the site for a much longer period of time during the year).

At Iron Horse Park, Cooperative Reserve, Inc. has purchased property from Penn Culvert and has been improving the property for its lumber business. While this property was not unused previously, it is certainly being used more now. This activity and these improvements are not in opposition to the cleanup efforts at Iron Horse Park. Companies may utilize superfund sites as long as they don't interfere with the remedy, contribute additional contamination, or create a situation where site contamination is released into the environment. If a company were to carry out any of these actions on a site they would risk incurring liability under CERCLA and being named a responsible party for the cost of the entire Superfund remedy.

2) How can it be assured that the activities of current companies (vehicle storage, exposed wood products, general waste) are not contributing to the problem? Is EPA monitoring these companies? A Superfund Site should reduce activities such as these.

See previous comment concerning actions by companies that might incur Superfund liability. EPA and its contractors, along with the State, will be active on the Site during the remedial action period and may be in a position to observe any potential problems with the operations of the companies operating within the Site.

3) The Middlesex Canal does not flow as it should due to a dam within Iron Horse Park. After the cleanup will the Canal water be allowed to flow as it should?

The only dams that EPA is aware of in the Middlesex Canal have been beaver dams. At this time, based on EPA's knowledge of the Site to date, the beaver dams and any cleanup activities are unrelated. Any future remedial action concerning surface waters at the Site will be addressed under OU4.

4) Will the "Superfund Site" name be removed?

Iron Horse Park was listed on the Superfund National Priorities List (NPL) in 1984. Sites are not eligible for deletion from the NPL until all cleanup activities are completed and Remedial Action Objectives have been achieved. Therefore, EPA cannot consider deleting this site from the Superfund list until the cleanup activities outlined in this Record of Decision (and future Records of Decision, namely for the newly created Operable Unit 4) are completed. Since a capped landfill has already been left on Site (Shaffer Landfill, OU2), and under this remedy additional areas of contamination will be capped, the Site is currently not a candidate for delisting from the NPL.

5) Will neighbors who are selling homes still need to disclose that homes are near the Superfund Site?

Disclosure of the proximity of a property to a Superfund site is not a requirement under CERCLA (the "Superfund" law). Iron Horse Park will continue to be a Superfund site until such time as EPA deletes it from the National Priorities List (NPL). (See response to previous question)

6) Should people in the area be concerned about planting vegetable gardens?

EPA is unaware of any Iron Horse Park Site conditions or contamination that would have affected residential gardens.

7) Is groundwater in the area contaminated?

There is groundwater contamination associated with Iron Horse Park. Various contaminants are present above either Maximum Contaminant Levels (MCLs - or drinking water standards) or health based contaminant levels. EPA is not aware of any human receptors exposed to groundwater (i.e. anyone drinking this groundwater). As discussed in the ROD, the selected remedies address source control of contaminants that may migrate into groundwater and are present in the areas to be capped. The remediaton of groundwater, surface water and sediment will be addressed in the ROD for OU4.

Comments from the Public Hearing

1) EPA should make data associated with groundwater, surface water, sediment and air monitoring accessible on-line, so that the effectiveness of the cleanup can be determined.

EPA will post new monitoring data on-line. The link where data as well as other site information can be found is www.epa.gov/ne/superfund/sites/ironhorse .

2) EPA should examine contaminant mobility rates and the proximity of waste to groundwater to determine if at any areas to be capped, installation of an impermeable liner under and around the waste, would be warranted.

EPA has examined the concentration, mobility and proximity to groundwater of contaminants in

the source areas at OU3. This is discussed in Section E. of the ROD and is discussed in greater detail in the Remedial Investigation, primarily in the sections addressing Nature and Extent of Contamination, and Contaminant Fate and Transport. The additional cost that would be associated with excavation of all of these source areas for placement of liners (which would be in the 10's of millions of dollars) would be prohibitively expensive, with limited environmental benefit. As discussed previously, groundwater cleanup will be addressed in the ROD for OU4.

3) A study should be conducted regarding cancer rates and potential cancer clusters in the area.

The Department of Health and Human Services' Agency for Toxic Substances and Disease Registry (ATSDR) is the Federal agency responsible for evaluating such requests, typically in conjunction with the state Department of Public Health. This comment has been forwarded to ATSDR for their consideration and follow-up.

Comments from MADEP

1) MADEP expects the opportunity to review and comment on cleanup goals for soils prior to finalization of the ROD.

MADEP has had the opportunity to review and comment on cleanup goals for soils as well as the rest of the ROD.

2) This proposed plan addresses soil contamination. Groundwater monitoring should be conducted as a remedial investigation activity, not as a part of the remedy for OU3.

Capping is being conducted at all of the AOCs in accordance with toxics, solid waste or hazardous waste regulations. These regulations require monitoring (including groundwater monitoring) as a part of post-closure activities. Therefore, groundwater monitoring will be conducted in the vicinity of the capped areas to assess the effectiveness of the caps.

3) The proposed plan does not discuss VOC's in a monitoring well adjacent to the Asbestos Landfill. The VOC's should be investigated either during the design process or during the OU4 investigation.

The VOC issue noted will be addressed as part of the OU4 investigation.

4) The preferred alternatives will require Institutional Controls to maintain the effectiveness of the remedy and prevent future exposure to contaminants that will remain on site.

EPA agrees that Institutional Controls will be necessary as part of the remedy for OU3. Institutional Controls, primarily in the form of land use restrictions, are discussed in Section L. of the ROD which describes the selected remedy.

5) MADEP questions whether the FS assumption with regard to excavating the Asbestos Lagoons to a depth of 1 foot is valid, or whether more extensive excavation may be necessary.

As discussed earlier, EPA has selected SC-1, capping in-place, as the remedy at the Asbestos Lagoons.

6) DEP notes that at the Old B&M Oil/Sludge Recycling Area, the cap needs to constitute an "Engineered Barrier" as defined in the MCP. MADEP also notes an issue regarding non aqueous phase liquid (NAPL) associated with groundwater.

The selected remedy for the Old B&M Oil/Sludge Recycling Area states that this area must be capped in accordance with the relevant and appropriate portions of the State Solid Waste regulations. In addition, EPA has designated the MADEP "Landfill Technical Guidance Manual" as a document "To Be Considered" in association with the implementation of the remedy at the Old B&M Oil/Sludge Recycling Area.

7) At the B&M Locomotive Shop Disposal Areas, MADEP indicates a preference for excavation and consolidation of material (SC-2), rather than capping in-place (SC-1). In support of this preference, MADEP cites, in part, the potential difficulty of performing the construction in close proximity to the wetlands.

In EPA's judgement, the increased cost (approximately $6 million) associated with the implementation of the SC-2 alternative is not warranted, given the limited additional benefit that would be realized. While there will be issues associated with construction in close proximity to wetlands, this would also be an issue if SC-2 were implemented. Protection and potential restoration of wetlands would be necessary with either alternative and does not pose a problem in implementing the remedy.

8) MADEP questions whether the volume of material to be excavated at the B&M Locomotive Shop Disposal Areas, is overestimated.

During the RI, EPA conducted subsurface profiling using ground penetrating radar and electro-magnetic surveying, in addition to soil borings and test pits in order to help define the nature and extent of waste. EPA is confident that this combined information, provides a reasonably accurate assessment of the volume of the B&M Locomotive Shop Disposal Areas. However, EPA has determined not to excavate the B&M Locomotive Shop, but instead to cap the Site.